

OPINION
47-68

December 23, 1947 (OPINION)

COUNTIES

RE: Mineral Reservations in Conveyances - Register's Duty

Re: Chapter 340, Laws of 1947.

Your letter of the 22nd re House Bill No. 311 has come to my desk. House Bill No. 311 is chapter 340, of the laws of 1947.

It is my interpretation of section 2 of this act that it is the duty of the Register of Deeds whenever he finds in recording a conveyance that the grantor reserves a mineral right to himself, the registrar should transmit to the auditor a statement showing the mineral reservation. This should be sufficiently comprehensive to show the name of the grantor, the date of the conveyance and the description of the property in which the mineral reservation is located. You suggest that the auditor, when entering the transfer of the deed, should make this record for himself. I cannot agree with this, since it would require the auditor to read every conveyance and the discovery of the reservation may better be made by the registrar when the instrument is transcribed to his records.

NELS G. JOHNSON

Attorney General